

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

CALVIN W. HOLLIS,

Plaintiff,

vs.

SHERIFF JOHN DAVIS, in his official capacity. STEVE TOLIVER, in his individual capacity,

Defendants.

Case No.13-CV-590-CVE-FHM

OPINION AND ORDER

Plaintiff's Motion for Extension of Deadline For Expert Witness Report, [Dkt. 34], is before the court for decision. Defendants have filed a response, [Dkt. 36], and Plaintiff has filed a reply, [Dkt. 39]. Plaintiff seeks an extension of 45 days from the date of this Order to provide his Fed.R.Civ.P. 26 expert report.

It is not clear from the cryptic statements in support of Plaintiff's motion why the time allowed under the Amended Scheduling Order was insufficient for Plaintiff to provide his expert report. The best the court can divine is that the expert needs additional information in order to formulate his opinion and report.¹ It also appears that the expert will be vital to Plaintiff's case.

Although Defendant's objections to Plaintiff's motion are substantial and the court does not condone Plaintiff's failure to comply with the Amended Scheduling Order, given the vital nature of the expert to Plaintiff's case and that Plaintiff appears to be acting in

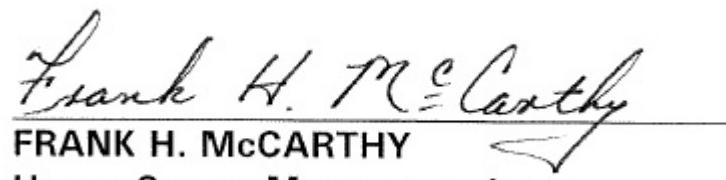
¹ The discovery deadline is currently set for October 10, 2014.

good faith, the court will exercise its discretion and permit Plaintiff a final opportunity to obtain the expert report. *C. E. Mid-Continent v. Turkey Creek*, 2010 WL 148168 (N.D. Okla. 2010). Plaintiff's counsel is cautioned that the court will not be inclined to grant any further extensions.

A new Scheduling Order will be entered to alleviate any prejudice to Defendants.

Plaintiff's Motion for Extension of Deadline For Expert Witness Report, [Dkt. 34], is GRANTED. A new Scheduling Order will be entered.

SO ORDERED this 3rd day of October, 2014.



FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE